

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:05-CR-00305-BR

UNITED STATES OF AMERICA)
)
 v.) ORDER
)
 JERRY LEE MERCER)
)

This matter is before the court on defendant's 25 August 2021 letter requesting that his "parole" be terminated. (DE # 107.) The government filed a response in opposition. (DE # 109.)

The court construes defendant's letter as a motion for early termination of his supervised release.

The court may, after considering the factors set forth in section 3553(a)(1), (a)(2)(B), (a)(2)(C), (a)(2)(D), (a)(4), (a)(5), (a)(6), and (a)(7)—
(1) terminate a term of supervised release and discharge the defendant released at any time after the expiration of one year of supervised release, . . . if it is satisfied that such action is warranted by the conduct of the defendant released and the interest of justice[.]

18 U.S.C. § 3583(e).

Defendant was released from imprisonment on 23 March 2020, see Bureau of Prisons, Find an Inmate, <https://www.bop.gov/inmateloc/> (search BOP Register Number 25528-056), and therefore has served nearly one-third of his six-year term of supervised release.¹ As grounds for his request for early termination, defendant states he has done everything required of him: "paid my money"; remained sober; incurred no new criminal charges; completed a mental health

¹ On defendant's motion pursuant to 18 U.S.C. § 3582(c)(1)(B) and the First Step Act of 2018, the court reduced defendant's term of supervised release from eight to six years. (3/13/20 Order, DE # 106.)

assessment; and, works full-time. (Mot., DE # 107, at 1-2.) He wants to be free to enjoy himself and travel with his wife and grandchildren. (Id. at 1.)

The government opposes defendant's request, citing in particular defendant's prior criminal activity and failure to successfully complete any supervised period of probation. (Resp., DE # 109, at 5-6; see also id. at 1 (citing PSR, DE # 95, ¶¶ 13-36).) It also points out that the United States Probation Office does not recommend early termination. (Id. at 5 n.1.)

The court commends defendant for his positive behavior while on supervised release, in particular maintaining his sobriety. However, considering the record in this case, particularly the fact that the court previously reduced defendant's supervised release term and the opinion of the United States Probation Office, the court finds that the interest of justice would not be served by the termination of defendant's supervised release at this time. Defendant's motion is DENIED WITHOUT PREJUDICE. If defendant files another motion for early termination, the motion shall state the position of his supervising probation officer.

This 17 February 2022.



W. Earl Britt
Senior U.S. District Judge